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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,509	04/27/2000	Jeffrey D. Meyer	10002145-1	3122

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/560,509

Applicant(s)

MEYER ET AL.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Page 17, line 13 and line 16 “usage application” should be 159 not 158. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 18 is objected to because of the following informalities: “volatile” should replace “volitale”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,405,251 by Bullard et al.

In claim 1, Bullard teaches about a network usage recording system comprising  
(Fig 1): (Col 32, lines 43-67)

A collector including (Col 18, lines 39-50):

an encapsulator for reading a plurality of network data records from a network data source and converting the network data records to a plurality of normalized metered events (Col 18, lines 39-50);

an aggregator for processing the normalized metered events to create aggregated normalized metered events (Col 18, lines 39-50); and

data storage system, wherein the aggregator periodically stores the aggregated normalized metered events in the data storage system (Col 18, lines 39-67).

In claim 2, Bullard teaches about a system of claim 1, wherein the aggregator includes volatile memory for temporary storage of the aggregated normalized metered events (Col 20, lines 10-30).

In claim 3, Bullard teaches about a system of claim 1, further comprising a configuration server in communication with the encapsulator, the aggregator and the data storage system, wherein the configuration server stores configuration data for the encapsulator, the aggregator, and the data storage system (Col 32, lines 43-67).

In claim 4, Bullard teaches about a system of claim 3, wherein the configuration server communicates the configuration data to the encapsulator, the aggregator and the data storage system at start-up (Col 18, line 50-Col 19, line 15).

In claim 5, Bullard teaches about a system of claim 3, further comprising a collector shell (Col 16, lines 10-35), wherein the configuration server communicates with the encapsulator, the aggregator and the data storage system via the collector shell (Col 32, lines 43-67).

In claim 6, Bullard teaches about a system of claim 1, further comprising a query manager in communication with the data storage system for querying the data storage system (Col 18, lines 39-67).

In claim 7, Bullard teaches about a system of claim 6, wherein the query manager is in communication with the data storage system via the aggregator (Col 18, lines 39-67).

In claim 8, Bullard teaches about a system of claim 1, further comprising a statistics log, wherein the statistics log is in communication with the encapsulator, the aggregator and the data storage system for logging statistical data (Col 6, lines 1-15).

In claim 9, Bullard teaches about a system of claim 8, further comprising a collector operator, wherein the collector operator communicates with the encapsulator, the aggregator, the data storage system and the statistics log to provide administrative access (Col 6, lines 1-15), (Col 18, lines 39-67).

In claim 10, Bullard teaches about a system of claim 1, wherein the encapsulator further includes a parser for parsing network data received from the network data source (Col 8, lines 15-38).

In claim 11, Bullard teaches about a system 1, wherein the collector is configured as a network data collector (Col 19, lines 1-15).

In claim 12, Bullard teaches about a system of claim 1, wherein the collector is configured as a correlator collector (Col 19, lines 1-30).

In claim 13, Bullard teaches about a system of claim 1, wherein the collector is configured to perform additional levels of data reduction and consolidation of data stored in other collectors (Col 19, lines 1-30).

In claim 14, Bullard teaches about a network usage recording system comprising:  
a collector system including:

- a collector shell (Col 16, lines 10-25);
- a query manager (Col 18, lines 39-67);
- an encapsulator (Col 18, lines 39-67);
- an aggregator (Col 18, lines 39-67); and
- a data storage system (Col 18, lines 39-67).

In claim 15, Bullard teaches about a system of claim 14, further comprising a configuration server in communication with the encapsulator, the aggregator and the data storage system (Col 32, lines 43-67).

In claim 16, Bullard teaches about a system of claim 15, wherein the configuration server communicates with the encapsulator, the aggregator and the data storage system via the collector shell (Col 16, lines 10-25), (Col 32, lines 43-67).

In claim 17, Bullard teaches about a method for recording network usage comprising the steps of:

defining a collector including an encapsulator, an aggregator and a data storage system (Col 32, lines 43-67);

operating the encapsulator to read a plurality of network data records from a network data source and convert the network data records to a plurality of normalized metered events (Col 18, lines 39-67);

aggregating the plurality of normalized metered events to create a plurality of aggregated normalized metered events (Col 18, lines 39-67); and

storing the aggregated normalized metered events in the data storage system at periodic intervals (Col 18, lines 39-67).

In claim 18, Bullard teaches about a method of claim 17, further comprising the steps of defining the aggregator to include volatile memory and storing the aggregated normalized metered events temporarily in the volatile memory (Col 20, lines 10-30).

In claim 19, Bullard teaches about a method of claim 17, further comprising the step of defining a configuration server in communication with the encapsulator (Col 32, lines 43-67), the aggregator and the data storage system, and storing configuration data for the encapsulator, the aggregator and the data storage system in the configuration server (Col 32, lines 43-67), (Fig 31).

In claim 20, Bullard teaches about a method of claim 19, further comprising the step of transferring the configuration data to the encapsulator, the aggregator and the data storage system at start-up (Col 32, lines 43-67), (Fig 31).

In claim 21, Bullard teaches about a method of claim 17, further comprising the step of defining a query manager in communication with the data storage system for managing queries of the data storage system (Col 18, lines 39-67).

In claim 22, Bullard teaches about a method of claim 17, further comprising the step of defining a statistics log in communication with the encapsulator, the aggregator and the data storage system, and collecting statistics associated with the encapsulator, the aggregator and the data storage system in the statistics log (Col 6, lines 1-15).

In claim 23, Bullard teaches about a method of claim 17, further comprising the step of parsing the network data records from the usage data source read by the encapsulator (Col 8, lines 15-38).

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In claim 24, Bullard teaches about a computer readable medium containing instructions for controlling a computer system to perform a method for recording network usage comprising the steps of (Col 16, lines 10-25):

defining a collector including an encapsulator, an aggregator and a data storage system (Col 18, lines 39-67);

operating the encapsulator to read a plurality of network data records from a network data source and convert the network data records to a plurality of normalized metered events (Col 18, lines 39-67);

aggregating the plurality of normalized metered events to create a plurality of aggregated normalized metered events (Col 18, lines 39-67); and

storing the aggregated normalized metered events in the data storage system at periodic intervals (Col 18, lines 39-67).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,230,203 by Koperda et al., teaches about a system and method for providing statistics for flexible billing in a cable environment.

US Patent No. 6,446,200 by Ball et al., teaches about a Service management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone numbers




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for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



MD  
May 22, 2003



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